

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 vs.)
)
 KARIS ANN BERNHARDT, M.D.,)
 f/k/a KARIS B. STEELE, M.D.,)
 LICENSE NO. 18198,)
)
 Defendant.)

FILED
 NOV 16 2016
 OKLAHOMA STATE BOARD OF
 MEDICAL LICENSURE & SUPERVISION

Case No. 08-10-3593

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

1. The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through its attorney, Joseph L. Ashbaker, Assistant Attorney General, for the State of Oklahoma (“State”) and the staff of the Board, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Karis A. Bernhardt, M.D. (“Defendant”), Oklahoma Medical License No. 18198, who appears in person, offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Agreement” or “Order”) effective September 22, 2016, for acceptance by the Board *en banc* pursuant to Okla. Admin. Code § 435:5-1-5.1.
2. By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Motion to Enforce Board Order filed on August 9, 2016, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. 2011, § 480, *et seq.*
3. Defendant, Karis A. Bernhardt, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for an evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that she has read and understands the terms and conditions stated herein.

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Findings of Fact

The State, Defendant and the Board staff stipulate and agree as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 O.S. § 480 *et seq.*
2. Defendant, Karis A. Bernhardt, M.D., holds Oklahoma medical license number 18198, which was issued on July 24, 1992.

Current Allegations of Unprofessional Conduct

1. Defendant appeared in person and through counsel Linda Scoggins on September 17, 2009 at the meeting of the Board, for violations of the Act. Defendant executed, and the Board accepted and entered, a Voluntary Submittal to Jurisdiction ("VSJ") on September 17, 2009. The VSJ placed Defendant on **PROBATION** for five (5) years and set forth the terms and conditions of the probation.
2. On July 14, 2011, at the meeting of the Board, Defendant once again appeared in person and through counsel Linda Scoggins, for violations related to continued substance abuse. The Board **SUSPENDED** Defendant for three (3) months, followed by five (5) years' **PROBATION** under certain terms and conditions. These terms and conditions of Probation remain in full force and effect until their expiration date on October 14, 2016. A Final Order of Suspension was filed on July 22, 2011.
3. At the July 25, 2013 meeting, the Board **GRANTED** modification of Paragraph G and Paragraph Q to the terms of Defendant's Probation. An Order Modifying Terms of Probation was filed on August 2, 2013.
4. Since the July 14, 2011 Final Order of Suspension was entered, Defendant has violated several terms and conditions as follows:

Paragraph J: Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

- On May, 20, 2016, Defendant tested positive for alcohol on a random drug test sample collected.

Paragraph R: Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

- In May 2016, Defendant admitted to drinking beer on weekends for four (4) months prior to testing positive on her drug test.

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5. On July 5, 2016, Defendant entered into an Agreement with the Board Not to Practice (“ANTP”). The ANTP is to remain in effect until the current investigation by the Board and any resulting formal Complaint has been concluded or she is released by the Board Secretary.

Conclusions of Law

6. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians, surgeons and other allied health professionals in the State of Oklahoma pursuant to 59 O.S. 2011, § 480 *et seq.* Notice was given as required by law and the rules of the Board.
7. The Board is authorized to suspend, revoke or order any other appropriate sanctions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. *See* 59 O.S. 2011, § 503 and 59 O.S. 2011, §§ 509.1(A)(2), (4). This authority is quasi-judicial. *See* 59 O.S. 2011, § 513(A)(1).
8. The State is authorized to hold this hearing under paragraph Y of the 2011 Final Order of Suspension, shown below, and under 59 O.S. 2011, §509(15), §509.1 and §513(B).

Y. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify license after due notice and hearing.
9. The State has met its burden of clear and convincing evidence that Defendant willfully violated the terms and conditions of her probation as stated in paragraphs J and R of her 2011 Final Order of Suspension.

Orders

IT IS THEREFORE ORDERED by the Board of Medical Licensure and Supervision as follows:

1. State’s Motion to Enforce Board Order is **GRANTED**.
2. Defendant’s license is **SUSPENDED** for 60 consecutive days effective July 5, 2016.
3. Defendant is hereby placed on **INDEFINITE PROBATION** under the following terms and conditions:

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Standard Terms:

- a) Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.
- b) Upon request of the Board Secretary, Defendant will request all hospitals in which she anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of her practice while performing services in or to that hospital.
- c) Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.
- d) Defendant will not supervise allied health professionals that require surveillance of a licensed physician.
- e) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.
- f) Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.
- g) Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.
- h) Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.
- i) Defendant shall obtain a sponsor.

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- j) Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- k) Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.
- l) Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.
- m) Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, which shall include but is not limited to a one hundred fifty dollar (\$150.00) per month fee during the term of probation.
- n) Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- o) Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.
- p) Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.
- q) Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice.

Specific Terms:


- r) Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof. In addition, Defendant will participate in "Sober Link" for a one year.
- s) Defendant will authorize in writing the release of any and all information regarding her treatment at Promises Treatment Center and any other records of her medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.
- t) Defendant will abide by the terms and recommendations of Professional Renewal Center and with all terms of her post-care contracts with Professional Renewal Center and the Oklahoma Health Professionals Recovery Program.


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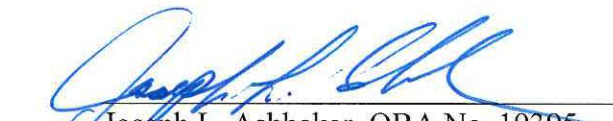
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- u) Defendant will sign a lifetime contract with and attend a minimum of one (1) meeting per week of the Oklahoma Health Professionals Program (OHPP) unless excused by the OHPP. Defendant shall abide by all requirements of her contract with the OHPP.
 - v) Defendant will attend a minimum of four (4) 12-Step meetings per week in addition to her weekly OHPP meeting.
 - w) Defendant shall obtain a primary care physician who shall monitor her general health and who shall also be responsible for managing the use of all prescription and non-prescription medications. Defendant's primary care physician shall be approved in advance in writing by the Board Secretary.
 - x) Defendant shall obtain treatment with a psychotherapist approved in advance in writing by the Board Secretary. Defendant shall submit quarterly reports of her treatment from her psychotherapist to the Board Secretary or his designee for his review.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.
 5. A copy of this Order shall be provided to Defendant as soon as it is processed.
 6. **This Order is subject to review and approval by the Oklahoma Attorney General, and this Order shall become final upon completion of the review by the Oklahoma Attorney General unless disapproved, in which case this Order shall be null and void.**

Dated this 22nd day of September, 2016.


 Karis Ann Bernhardt, M.D.
 License No. 18198
 Defendant


 Billy H. Stout, M.D., Board Secretary
 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION


 Joseph L. Ashbaker, OBA No. 19395
 Assistant Attorney General
 OKLAHOMA STATE BOARD OF MEDICAL
 LICENSURE AND SUPERVISION
 101 N.E. 51st Street
 Oklahoma City, Oklahoma 73105
 405/962.1400
 405/962.1499 – Facsimile

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Certificate of Service

This is to certify that on the ~~23rd~~ ^{16th} day of ~~September~~ ^{November}, 2016, a true and correct copy of this Order was transmitted by certified mail, return receipt requested, postage prepaid, to the following:

Karis Ann Bernhardt
9401 Nawassa Dr.
Midwest City, OK 73130
Defendant, Pro se



Nancy Thiemann, Legal Secretary

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OFFICE OF ATTORNEY GENERAL
STATE OF OKLAHOMA

ATTORNEY GENERAL OPINION
2016-646A

FILED

NOV 16 2016

**OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION**

Billy Stout, Board Secretary
State Board of Medical Licensure and
Supervision
101 N.E. 51st Street
Oklahoma City, Oklahoma 73105


November 10, 2016

Dear Board Secretary Stout:

This office has received your request for a written Attorney General Opinion regarding agency action that the State Board of Medical Licensure and Supervision intends to take pursuant to a consent agreement with medical doctor license 18198. The proposed action is to suspend the license for 60 days and impose indefinite probation with both standard and specific terms. The specific terms require the licensee to submit to drug tests; release medical records to the Board; enter a lifetime contract with the Oklahoma Health Professionals Program, a drug and alcohol treatment program; attend "12-step" meetings; undergo psychotherapy; and pay the Board's costs. In 2009 the Board imposed conditions on the license after the licensee illegally prescribed and obtained controlled drugs, made false statements to Board investigators, and suffered cocaine-related relapses while participating in out-of-state drug rehabilitation. New conditions were imposed in 2011 after the licensee tested positive for cocaine in violation of the 2009 order. The licensee has now tested positive for alcohol in violation of the 2011 Board order and admitted to drinking alcohol on weekends for four months prior to the test.

The Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.2011 & Supp.2015, §§ 480-518.1, authorizes the Board to discipline licensees for willful violations of its orders, 59 O.S.2011, § 513(B), and for unprofessional conduct, 59 O.S.Supp.2015, § 503. Unprofessional conduct includes circumstances when a physician's practice may be compromised by substance abuse, 59 O.S.2011, § 509(15). Here, the licensee has agreed to the additional conditions imposed on the license based on violating the Board's 2011 order. The Board may reasonably believe that the agreed terms are necessary to protect patient safety and enforce compliance with the Board's orders.

It is, therefore, the official opinion of the Attorney General that the State Board of Medical Licensure and Supervision has adequate support for the conclusion that this action advances the State of Oklahoma's policy upholding minimum standards of professionalism among physicians.

A handwritten signature in black ink, appearing to read "E. Scott Pruitt". The signature is stylized with a large, sweeping initial "E" and "P".

E. SCOTT PRUITT
ATTORNEY GENERAL OF OKLAHOMA